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Paper No. 30

In re Application of
Philip E. Eggers et al
Serial No. : 09/314,247
Filed : May 18, 1999
For : System for Treating Articular Cartilage Defects

: DECISION ON PETITION
: TO WITHDRAW
: HOLDING OF
: ABANDONMENT

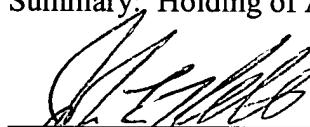
This is a decision on petitioner's request filed July 7, 2003, to review the holding of abandonment mailed November 12, 2002, for failure to respond to the Notice of Allowability and the Notice of Allowance and Fee(s) Due mailed July 3, 2002. There is no fee required for this petition.

In order to overcome the presumption of delivery of an Office action, a practitioner must submit the following: (1) a statement from the practitioner stating that the Office action was not received by practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. See 1156 OG 53. The request filed July 7, 2003 includes all the above elements. The request is therefore GRANTED.

A review of the file also shows that the Office action of July 3, 2002 and the Notice of Abandonment mailed November 12, 2002 were mailed to an incorrect address as the Office had not changed the correspondence address as requested in the Associate Power of Attorney paper filed April 30, 2002. Any inconvenience is respectfully regretted.

Upon the mailing of this decision, the application will be forwarded to the Legal Instruments Examiner for the remailing of the Notice of Allowability as well as the Notice of Allowance and Fee(s) Due.

Summary: Holding of Abandonment Withdrawn.


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ak/07/18/03